



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: March 3, 2020

CBCA 5978

MONUMENT CONSTRUCTION, LLC,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

John M. Manfredonia of Manfredonia Law Offices, LLC, Cresskill, NJ; and Christopher W. Morog of Hinckley Allen LLP, Boston, MA, counsel for Appellant.

Jennifer L. Hedge, Office of Regional Counsel, Department of Veterans Affairs, Pittsburgh, PA; and Donald C. Mobly, Office of Regional Counsel, Department of Veterans Affairs, Denver, CO, counsel for Respondent.

Before Board Judges **SOMERS** (Chair), **HYATT**, and **O'ROURKE**.

HYATT, Board Judge.

On February 27, 2020, the parties submitted to the Board a joint motion for a stipulated judgment in the amount of \$800,000, inclusive of all costs, fees, and interest. The parties request that the Board enter judgment for this amount in the appeal. The settlement agreement further provides that if payment of the judgment amount has not been paid by March 27, 2020, interest pursuant to the Contract Disputes Act (CDA), 41 U.S.C. §§ 7101-7109 (2012), will begin and continue to accrue until payment is made. Such interest shall be payable to Monument Construction, LLC along with payment of the settlement amount.

Finally, the parties have confirmed they will not seek reconsideration of, or relief from, the Board's decision and they will not appeal the decision.

Decision

Accordingly, the appeal is **GRANTED IN PART**. The Department of Veterans Affairs shall pay \$800,000 to appellant in full settlement of CBCA 5978. If the amount is not paid by March 27, 2020, CDA interest on this amount shall accrue until such time as appellant is paid. This payment shall be made in accordance with 41 U.S.C. § 7108 and may be made from the permanent indefinite judgment fund, 31 U.S.C. § 1304.

Catherine B. Hyatt

CATHERINE B. HYATT
Board Judge

We concur:

Jerí Kaylene Somers

JERI K. SOMERS
Board Judge

Kathleen J. O'Rourke

KATHLEEN J. O'ROURKE
Board Judge